

# AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS  
180 HIGH STREET  
WAKEFIELD, RI

MONDAY, JUNE 24, 2013

**NOTE:** Individuals requesting interpreter services for the hearing impaired must call 792-9642 (TDD) or 789-9331 seventy-two (72) hours in advance of the meeting date.

DATE POSTED: 6/20/2013

AGENDA – Regular Session  
Town of South Kingstown  
June 24, 2013  
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1. A. **WORK SESSION – 6:45 PM**  
All items listed on Town Council agenda are subject to discussion.
- B. **REGULAR SESSION – 7:30 PM**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**
  - A. **Work Session – June 10, 2013**
  - B. **Regular Session – June 10, 2013**
5. **CONSENT AGENDA**

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- I. Rule 10A. for the conduct of the meetings of the South Kingstown Town Council for the Term 2012 through 2014: Members of the public shall be entitled to speak at regular meetings during any period designated on the agenda for public comment, once, for a period of five minutes, or longer at the discretion of the President, and at other times when invited to do so by the President. The public shall address their comments to the question under debate as indicated on the agenda. Pursuant to RI General Laws §42-46-6(b), public comment regarding subject matter not on the agenda but received during the public participation portion of a meeting shall be for information purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.
- II. Rule 11: No item of business other than that of adjournment may be brought before the Town Council at any meeting unless such an item is introduced before 11:00 PM; provided, however, that this rule may be suspended by an affirmative vote of a majority of members present.
- III. Rule 13: All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

**6. LICENSES**

- A. A resolution granting a Holiday Sales License to THRIFTY SISTER, 1183 Kingstown Road, First Floor, Peace Dale, RI 02879. Application by Therese Martin, 45 Mosen Drive, Charlestown, RI 02813; New.
- B. A resolution granting a Holiday Sales License to GREEN GAS, 2949 Tower Hill Road, South Kingstown, RI 02874. Application by Khloud Khiami, 240 Lake Shore Drive, Warwick, RI 02889; New.
- (CA) C. A resolution granting a Victualling License to SEDRA CAFÉ, 99 Fortin Road, Suite 117, Kingston, RI 02881. Application by Cybill Joia, 46 Hornbeam Drive, Cranston, RI 02921; Renewal.
- (CA) D. A resolution granting a Victualling License to JKM MANAGEMENT LLC d/b/a QUICK RICK'S, 58 High Street, Wakefield, RI 02879. Application by Jessica K. Masci, 110 Sea View Drive, Wakefield, RI 02879; Renewal.

**7. COMMUNICATIONS**

- A. A communication dated May 9, 2013 from Talia Policelli, Policy Aide, RI Office of the General Treasurer and a resolution adopted June 13, 2013 by the Foster Town Council in support of the Municipal Road and Bridge Revolving Fund are received, placed on file, and the Town Council further directs \_\_\_\_\_. (6/20/2013 Miscellaneous, Item II D.)
- (CA) B. A resolution adopted June 17, 2013 by the Jamestown Town Council in opposition to Senate Bill 322 Sub A and House Bill 5394 *An Act Relating To Taxation – Levy and Assessment of Local Taxes* that would exempt single family development homes and condos from taxation until a development property is sold, is received and placed on file. (6/20/2013 Miscellaneous, Item II E.)
- C. A communication dated June 12, 2013 from Lise M. Iwon, Esquire requesting the Town Council to appoint her as an Associate Justice for the Probate Court to serve one day, on August 3, 2013 as further described in a petition from Attorney Iwon dated June 12, 2013, is received, placed on file, and the Town Council further directs \_\_\_\_\_. (6/20/2013 Miscellaneous, Item II B.)

- (CA) D. A communication dated June 14, 2013 from Jon and Gerralyn Perry requesting Town Council consideration of an ordinance to regulate noise nuisances from domestic fowl is received, placed on file and referred to the Director of Planning. (6/20/2013 Miscellaneous, Item II H.)
- (CA) E. Any communication added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

**8. COMMENTS FROM INTERESTED CITIZENS**

**9. TOWN MANAGER’S REPORT**

**10. TOWN SOLICITOR’S REPORT**

**11. APPOINTMENTS**

- A. A resolution appointing \_\_\_\_\_ to the \_\_\_\_\_ Board/Committee/Commission for a term to expire in \_\_\_\_\_. (See *Attachment A for Boards and Commissions Appointments Report*)

**12. NEW BUSINESS**

- A. A resolution affirming a proclamation presented on June 7, 2013 to Maia Roth for attaining the Girl Scout Gold Award, as follows:

**MAIA ROTH**

**WHEREAS, MAIA ROTH**, a graduating Senior at South Kingstown High School has devoted her time and her energy to complete the requirements of and participate in such a worthwhile organization as the Girl Scouts of the USA, and

**WHEREAS, she** has met the challenges of the Girl Scout program and developed her courage, confidence and character. She has demonstrated self-discipline, time management skills, originality and initiative, and

**WHEREAS, she** has practiced daily the ideals of Girl Scouting and discovered her own values, knowledge and skills to explore the world, connected with her community, locally and globally, and has taken action to make the world a better place, and

**WHEREAS, MAIA** restored the Hazard Memorial Garden next to the Peace Dale Library as her Gold Award project. She learned about native and invasive species and cleared the small historic park. She educated her fellow volunteers about plant life, and taught what she learned about gardening and invasive species at the Museum of Primitive Arts and Culture, and

**WHEREAS, she** has earned the highest honor in Girl Scouting by achieving the Gold Award, bringing pride to herself and honor to her Troop #554, her family, and to her community; may this be a preview of her future dedication to a purpose and service – to pursue until she accomplishes the goal that she is seeking.

**NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN** do hereby extend our congratulations to **MAIA ROTH** for a job well done and best wishes for success in all future endeavors.

- (CA) B.** A resolution granting the joint petition of National Grid and Verizon for the use of the public ways named for the purposes stated in said petition, and that the work be done subject to the supervision of the Director of Public Services, as follows:

To set joint Pole #3½ on Branch Street as described in Petition No. 207244, conditioned upon the removal of all existing double poles along the entire length of Branch Street prior to new pole(s) placement; and any new double pole created as part of this request be removed within sixty (60) calendar days of new pole(s) placement, and subject to notification to the Town for municipal utility mark-out prior to setting the poles. Said petition is further described in a memorandum from the Public Services Director to the Town Manager dated June 12, 2013 and entitled “National Grid Pole Setting request – Branch Street.”

- C.** A resolution authorizing an award of bid for two (2) year service contracts from July 1, 2013 to June 30, 2015 for electrical, plumbing and HVAC to the following in accordance with the terms and conditions of the bid specifications; and as further described in a memorandum from the Building Official to the Town Manager dated June 11, 2013 and entitled “Two-Year Service Contracts.”

**Electrical:** W. H. Holland Electric, Inc., 1979 Kingstown Road, P.O. Box 5, Peace Dale, RI 02883

Regular Service M – F

Licensed Electrician	\$55/hr
Apprentice Helper	\$45/hr

Emergency Service, Nights, Weekends, Holidays

Licensed Electrician	\$82.50/hr
Apprentice Helper	\$67.50/hr

Markup of Parts/Materials Over Cost      20%

**Plumbing:** Stedman & Kazounis Plumbing & Heating Co., 10 Crossland Park, P.O. Box 1750, Charlestown, RI 02813

Regular Service M – F

Licensed Plumber	\$77.50/hr
Apprentice Helper	\$77.50/hr

Emergency Service, Nights, Weekends, Holidays

Licensed Plumber	\$155/hr
Apprentice Helper	\$155/hr

Markup of Parts/Materials Over Cost      20%

**HVAC:** Coastal HVAC, 169 Old Post Road, Wakefield, RI 02879

Regular Service M – F

Licensed HVAC Technician	\$85/hr
Apprentice Helper	\$40/hr

Emergency Service, Nights, Weekends, Holidays

Licensed HVAC Technician	\$127.50/hr
Apprentice Helper	\$60.00/hr

Markup of Parts/Materials Over Cost      15%

- D. A resolution amending and affirming the Town’s Liquor License Rules and Regulations, as follows:

Section I. The maximum number of licenses for each class shall be authorized as indicated below:

<u>Class</u>	<u>Number</u>
A – Retail	4 ( <del>maximum</del> )
B – Victualler	25
B – Tavern	2
B – Limited	3
B – Hotel	1
B – M	0
C	0
D – Club Full Privilege	2
D – Club Limited	0
F	Five per year per organization
F-1	Five per year per organization
T	1

#### AMEND

#### Section VIII. REVIEW OF THE NUMBER OF AUTHORIZED LICENSES

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B. A public hearing will be scheduled by the Town Council after the applicant has received the special use permit from the Zoning Board of Review and received approval for any other prerequisites. The notice and advertising provisions of II. B. and C. shall apply. The Town Council shall close ~~each the~~ liquor license application public hearing and defer their decisions ~~s and the award of any new licenses until a public informational hearing is held for public discussion relative to the need for additional liquor licenses within the community.~~

C. Upon conclusion of the final public hearing scheduled to review the license applications ~~s and the public informational hearing on the need for additional licenses~~, the Town Council will review the information gathered and on that basis:

1. Determine whether, in their discretion, the number of liquor licenses of any class should be changed.

2. If the Town Council increases the number of licenses, it shall evaluate the applicants based on the criteria set out in these rules and regulations and State law.
3. Award any available licenses.

~~D. The maximum number of Class A Retail Liquor Licenses shall remain at four.~~<sup>4</sup>

- (CA) E. A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing relative to an application for a license to keep and sell alcoholic beverages in South Kingstown in accordance with the General Laws of 1956, as amended, as follows:

#### CLASS B VICTUALLER LIQUOR LICENSE

Application for a Class B Victualler Liquor License by Giro's Hometown Grille, LLC d/b/a Giro's Hometown Grille, 501 High Street, Wakefield, RI 02879 by Joseph Patrick Brown, Managing Member for the first floor, bar area, and dining area; and as further defined in a site plan on file in the Town Clerk's Office.

- F. A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing for public discussion relative to the need for additional liquor licenses within the community.
- G. A resolution authorizing an award of bid to Waste Haulers LLC, 1 Starline Way, Cranston, RI 02921 for the Regular Refuse and Recycling Package at the unit costs per pickup bid (see attached sheet); for the period July 1, 2013, through June 30, 2015, and as further detailed in memorandum from the Public Services Director to the Town Manager dated June 17, 2013, and entitled Bid Recommendation – Refuse Collection Contract Bid Reference Number: SK0012PS.”
- H. A resolution authorizing an award of bid to Waste Haulers LLC, 1 Starline Way, Cranston, RI 02921 for the Sludge Transportation at the unit cost of \$175.00 per round trip; for the period July 1, 2013 through June 30, 2015, and as further detailed in memorandum from the Public Services Director to the Town Manager dated June 17, 2013, and entitled Bid Recommendation – Refuse Collection Contract Bid Reference Number: SK0012PS.”

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<sup>4</sup> ~~Amended April 25, 2011~~



- I.** A resolution accepting *The Kingston Historic District Homeowner's Guidebook* and the educational flyer regarding historic properties outside the Kingston Historic District as the final grant deliverables under the South Kingstown Certified Local Government (CLG) grant awarded by the Rhode Island Historical Preservation & Heritage Commission; and as further described in a memorandum from the Senior Planner to the Town Manager dated June 14, 2013 and entitled "Final Deliverables for CLG Grant."
- J.** A resolution authorizing an award of bid to Patrick J. McKenna Roofing, P.O. Box 3132, Pawtucket, RI 02860 for the Factory Pond Roofing Projects in an amount not to exceed \$38,000 including a \$2,900 contingency; and as further described in a memorandum from the Public Services Director to the Town Manager dated June 17, 2013 and entitled "Bid Recommendation – Factory Pond Roofing Projects, Bid Reference Number: SK0002WD."
- K.** A resolution authorizing an award of bid to D'Ambra Construction Co., Inc., 800 Jefferson Boulevard, Warwick, RI 02887 for the Pavement Overlay Program in an amount not to exceed \$1,743,043, including a \$195,000 contingency; and as further described in a memorandum from the Public Services Director to the Town Manager dated June 17, 2013 and entitled "Bid Recommendation – Pavement Overlay Program, Bid Reference Number: SK0010PS."
- L.** A resolution that available funds of \$1,000,000 in the Healthcare Reserve Fund shall be transferred to the Other Post-Employment Benefit Trust Fund, as established by the Town Council on June 23, 2009; as further described in a memorandum from the Finance Director to the Town Manager dated June 20, 2013 and entitled "Year End Reserve Fund Transfers."
- M.** A resolution that program balances identified below in the 2012-2013 fiscal year appropriations for General Fund (101) shall be transferred to the following Reserve Funds in the corresponding not-to-exceed amounts; as further described in a memorandum from the Finance Director to the Town Manager dated June 20, 2013 and entitled "Year End Reserve Fund Transfers":

<b>Object Code</b>	<b>Expenditure Description</b>	<b>Transfer Total</b>	<b>Reserve Fund</b>
120	Budget Adoption Process	\$10,000	Town Hall Improvement Fund
540	Town Hall Operations	7,000	Town Hall Improvement Fund
640	Information Technology	72,000	Data Processing Improvement Fund
920	Streets and Highway Department	40,000	Public Works Improvement Reserve Fund
1810	Contingency	58,000	Public Works Improvement Reserve Fund
740	Building and Zoning Inspection	15,000	Compensated Absences Reserve Fund
740	Building and Zoning Inspection	11,000	Compensated Absences Reserve Fund
810	Police Department	150,000	Compensated Absences Reserve Fund
1420	Unemployment Insurance	24,000	Compensated Absences Reserve Fund
1520	Contribution to Retirement System	20,000	Compensated Absences Reserve Fund
1550	Worker Compensation	10,000	Compensated Absences Reserve Fund
	<b>Total Expenditure Transfer</b>	<b>\$417,000</b>	
<b>Object Code</b>	<b>Revenue Description</b>	<b>Transfer Total</b>	<b>Reserve Fund</b>
48601	Miscellaneous Revenue	\$200,000	Public Services Building Improvement Fund
	<b>Total Revenue Transfer</b>	<b>\$200,000</b>	
	<b>Total General Fund Transfers</b>	<b>\$617,000</b>	

FURTHER RESOLVED: That the Town Finance Director, with the advice and consent of the Town Council, is hereby permitted to invest the funds at any time in said savings accounts or certificates of deposit of commercial or savings banks, or trust companies, or in obligations of the United States or its agencies, or in any other short-term investment as would be made by prudent persons of discretion and intelligence.

FURTHER RESOLVED: That the Town Council is hereby authorized to use the total funds, or such part thereof of said Reserve Funds, for capital expenditures as may be voted by the Town Council.

FURTHER RESOLVED: That said sums appropriated to the Reserve Funds shall not revert to the General Fund at the end of the budget year but shall remain in said Reserve Fund to be used as herein provided in any budget period until otherwise voted.

- N.** A resolution authorizing an award of bid to the firm of Nyhart, 8415 Allison Pointe Boulevard, Suite 300, Indianapolis, IN 46250 for actuarial services for the valuation date of July 1, 2013 (Year 1) in the amount of \$8,000, for optional services as of July 1, 2014 (Year 2) in the amount of \$2,000, and for actuarial services for the valuation date of July 1, 2015 (Year 3) in the amount of \$8,000, contingent upon satisfactory performance in Year 1; and as further described in a memorandum from the Finance Director to the Town Manager dated June 20, 2013 and entitled “GASB 43/45 Actuarial Consulting Services Recommendation – Bid Reference #SK0011FD.”
- (CA) O.** Any New Business added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

**14. CLOSED EXECUTIVE SESSION**

- A.** A Closed Executive Session pursuant to RIGL §42-46-5(a)(2) to discuss matters pertaining to collective bargaining relative to the IBPO Local 489 contract.

## **Boards and Commissions Appointments Report**

The following information reflects the status of those Town boards, commissions and committees which have vacancies, members whose terms are expiring and are eligible for reappointment, and/or applications filed for consideration of appointment. The Town Council may make appointments at any meeting.

### **Affordable Housing Collaborative Committee** *(7 members/3 year term)*

Two vacancies: one term expires 8/2013, one term expires 8/2015

Applicants: Patrick S. Jones (applied 11/15/2012; interviewed 12/10/2012);

Jeanne M. Behie (applied 2/1/2013; interviewed 5/13/2013);

Cheryl Hartnett wishes to be reappointed (term expires August 2013; attended 19 of 20 meetings held during current term)

### **Board of Trustees of the South Kingstown Library** *(7 members/3 year term)*

Vacancy: one term expires 7/2015

Applicants: Jeffrey J. Mead (applied 8/27/2012; interviewed 9/10/2012);

Mary C. MacDonald (applied 3/7/2013; interviewed 4/22/2013);

Betty J. Cotter (applied 3/13/2013; interviewed 4/22/2013);

William Colin McCullough wishes to be reappointed (term expires 7/2013; attended 18 of 20 meetings held during current term);

Dianne V. McHugh wishes to be reappointed (term expires 7/2013; attended 12 of 13 meetings held during current term)

### **Building and Minimum Housing Code Boards of Appeal** *(5 members/5 year term)*

James H. Caswell wishes to be reappointed (term expires 6/2013; attended 7 of 8 meetings held during the current term)

### **Conservation Commission** *(7 members/3 year term)*

Two vacancies: one term expires 9/2013, one term expires 9/2015

Applicant: Lucille M. Dickinson (applied 11/1/2012)

### **Economic Development Committee** *(11 members/3 year term)*

Five vacancies: 2 terms expire 3/2014, 3 terms expire 3/2016

### **Historic District Commission** *(7 members/3 year term)*

Two vacancies: one term expires 12/2014, one term expires 12/2015

### **Partnership for Prevention** *(7 members/3 year term)*

Two member vacancies: terms expire 6/2015; one Ex-Officio Law Enforcement vacancy

**Attachment A**

**Planning Board** *(7 members/3 year term)*

No vacancies

Applicant: Frank H. Heppner (applied 5/10/2013)

**Route 138 Reconstruction Project Area Committee** *(11 members/2 year term)*

Three vacancies: terms expire 5/2015

Applicant: Susan E. Axelrod Spranger (applied 6/10/2013)

**Trustees of the South Kingstown School Funds** *(5 members/5 year term)*

Vacancy: one term expires 6/2013

**Waterfront Advisory Commission** *(7 members/3 year term)*

Anne E. Heffron does not wish to be reappointed (term expires 6/2013).

**Zoning Board of Review** *(5 members/2 alternates/3 year term)*

No vacancies

Applicant: Jeffrey J. Mead (applied 8/27/2012; interviewed 9/10/2012)